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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,314	03/12/2004	Daniel D. Houser	51092-5006	8213

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EXAMINER	
CHEN, SHIN HON	
ART UNIT	**PAPER NUMBER**
2131	

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/799,314	HOUSER, DANIEL D.	
	Examiner	Art Unit	
	Shin-Hon Chen	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-47 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al. U.S. Pub. No. 20020069035 (hereinafter Tracy) in view of Hoshino et al. U.S. Pub. No. 20010044778 (hereinafter Hoshino) and further in view of Petersen et al. U.S. Pat. No. 20020038291 (hereinafter Petersen).

4. As per claim 1, Tracy discloses a method for implementing a risk management program, comprising: establishing one or more checklist items that measure risk factors and one or more procedures for determining compliance with the checklist items; wherein trusted parties perform an assessment of each of the entities based on the checklist items using the procedures and, based on the assessment (Tracy: [0007]-[0011]), perform at least one of the following: (i) dispense a machine-readable trust assertion comprising one or more attributes relating to a result of the assessment (Tracy: [0007]-[0011]). Tracy does not explicitly disclose (ii) revoke a previously-issued machine-readable trust assertion comprising one or more attributes relating to a result of a previously-performed assessment. However, Hoshino discloses issuing electronic certificate after the entities pass examination and present their certificates upon transaction

(Hoshino: [0007]-[0009]). It would have been obvious to one having ordinary skill in the art to issue digital certificate when an entity is assessed to pass the checklist. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Hoshino within the system of Tracy because issuing digital/electronic certificate to an entity that is deemed to be safe to perform transaction reduce the risk of business fraud. Tracy as modified does not explicitly disclose revoking the trusted assertion based on result of the assessment. However, Petersen discloses certificate, other verified and authenticated objects are evaluated relative to historical information including certificate revocation lists (Petersen: [0019]). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to revoke a certificate if that certificate is no longer valid and is listed on a CRL. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Petersen within the combination of Tracy-Hoshino because checking CRL to authenticate the validity of a certificate is well known in the art.

5. As per claim 2, Tracy as modified discloses the method of claim 1. Tracy as modified further discloses the method comprising: establishing one or more context factors used in performing the assessment, wherein the context factors comprise at least one of an entity identifier and an entity organizational structure (Petersen: [0004]-[0005]: the attributes within a digital certificate).

6. As per claim 3, Tracy as modified discloses the method of claim 1. Tracy as modified further discloses wherein the result of the assessment comprises a trust assertion score associated with the checklist items (Tracy: [0113]).

7. As per claim 4, Tracy as modified discloses the method of claim 2. Tracy as modified further discloses wherein the result of the assessment comprises a scope of the assessment, determined based on the context factors, wherein the scope of the assessment comprises an identifier for the assessed entity, a portion of the entity included in the assessment, and any portion of the entity excluded from the assessment (Tracy: [0010]).

8. As per claim 5, Tracy as modified discloses the method of claim 1. Tracy as modified further discloses wherein the checklist items comprise industry-specific checklist Items (Tracy: [0007]-[0008]).

9. As per claim 6, Tracy as modified discloses the method of claim 1. Tracy as modified further discloses wherein the procedures comprise industry-specific procedures (Tracy: [0007]-[0010]).

10. As per claim 7, Tracy as modified the method of claim 1. Tracy as modified further discloses the method comprising: certifying the trusted parties in accordance with a certification process established by a consortium, wherein the consortium performs an assessment of the trusted parties based on the certification process, and, based on the assessment, performs at least

one of (i) dispenses a machine-readable trust assertion comprising one or more attributes relating to a result of the assessment and (ii) revokes a previously-issued machine-readable trust assertion comprising one or more attributes relating to a result of a previously-performed assessment (Petersen: [0004]-[0006]: the root CA). It would have been obvious to one having ordinary skill in the art to incorporate the digital certificate system within the certification & accreditation system so that trust can be established and traced to a mutually trusted authority. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Petersen within the combination of Tracy-Hoshino-Petersen because certificate chain/hierarchy provides stronger trust between two parties by tracing the certificate.

11. As per claim 8, Tracy as modified discloses the method of claim 1. Tracy as modified further discloses wherein the risk factors relate to one or more of security, safety, supply chain, and finances (Tracy: [0006]-[0010] and claims 10-14).

12. As per claim 9, Tracy as modified discloses the method of claim 1. Tracy as modified further discloses wherein the trust assertion comprises a digital certificate (Petersen: [0004]-[0005] and [0015]-[0016]).

13. As per claim 10, Tracy as modified discloses the method of claim 1. Tracy as modified further discloses wherein the checklist items are established by a consortium (Tracy: [0008]-[0009]).

14. As per claim 11, Tracy as modified discloses the method of claim 2. Tracy as modified further discloses wherein the context factors are established by a consortium (Tracy: [0009]-[0010]).

15. Claims 12-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy in view of Petersen and further in view of Kent U.S. Pat. No. 6671804 (hereinafter Kent).

16. As per claim 12, Tracy discloses a method for conveying an assessment of an entity, comprising: receiving from an entity a machine-readable trust assertion issued by a trusted party resulting from an assessment of the entity, wherein the assessment is based on one or more checklist items that measure risk factors and one or more procedures for determining compliance with the checklist items (Tracy: [0007]-[0011]; [0113]). Tracy does not explicitly disclose analyzing the trust assertion to determine (1) an identity of the trusted party, (2) checklist items used in the assessment, (3) a score of the assessment, (4) a scope of the assessment; and (5) a date of the assessment; comparing the identity of the trusted party, the checklist items used in the assessment, the score, the scope and the date to an acceptable trusted party identity, acceptable checklist items, an acceptable score, an acceptable scope and an acceptable date; and determining, based on the comparison, trustworthiness of the entity. However, Petersen disclosed analyze the trust assertion to determine information required to evaluate the trust assertion (Petersen: [0015]-[0016]; [0021]-[0024]). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to convey the assessment in form of

digital certificate and evaluate the certificate by evaluating the trusted parties and the policies set by the trusted parties. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Petersen within the system of Tracy because it provides greater security in transactions performed over the Internet. Tracy as modified does not explicitly disclose determining the trustworthiness of the trust assertion by comparing with an acceptable template. However, Kent discloses comparing attribute certificate against customized template specified by particular trusted authorities (Kent: column 2 line 48 – column 3 line 29 and column 16 lines 17-25). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to compare the attributes in a certificate to analyze the assessment and trusted parties with template defined by trusted parties in order to verify whether compliances have been met. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Kent within the combination of Tracy-Petersen because it enhances the security constraints set by trusted parties in order to achieve greater security in transactions.

17. As per claim 13, Tracy as modified discloses the method of claim 12. Tracy as modified further discloses wherein the trust assertion comprises a digital certificate comprising one or more attributes relating to the trust assertion (Kent: column 7 lines 9-27: attribute certificate). Same rationale

18. As per claim 14, Tracy as modified discloses the method of claim 13. Tracy as modified further discloses the method comprising: analyzing the digital certificate to determine validity (Petersen: [0015]-[0016]).

19. As per claim 15, Tracy as modified discloses the method of claim 14. Tracy as modified further discloses wherein the validity determination comprises determining if the digital certificate has been revoked (Petersen: [0019]: CRL).

20. As per claim 16, Tracy as modified discloses the method of claim 12. Tracy as modified further discloses the method comprising: analyzing the trust assertion to determine integrity (Petersen: [0015]-[0016], and [0019]).

21. As per claim 17, Tracy as modified discloses the method of claim 14. Tracy as modified further discloses wherein analyzing the digital certificate comprises analyzing cryptographic components in the digital certificate (Petersen: [0004]-[0005]: cryptographic component is required information in analyzing a digital certificate).

22. As per claim 18, Tracy as modified discloses the method of claim 12. Tracy as modified further discloses wherein the identity of the trusted party is embodied in a digital certificate, signed by a consortium asserting that the trusted party is viable, and certified by the consortium (Petersen: [0015]-[0016], [0019]; [0005]).

23. As per claim 19, Tracy as modified discloses the method of claim 18. Tracy as modified further discloses the method comprising: analyzing the digital certificate of the trusted party to determine if the digital certificate has been revoked (Petersen: [0019]).

24. As per claim 20-22, Tracy as modified discloses the method of claim 12. Tracy as modified does not explicitly discloses wherein the trust assertion score is represented in binary format or in a hexadecimal representation of the binary format or as a sum of binary scores, in base-10 numeral format. However, Tracy discloses the score is represented in strings (Tracy: [0113]-[0123]). It would have been an obvious matter of design choice to represent the score in different format since represent the score in binary format or as a sum of binary scores or in base-10 numeral format does not solve any stated problem or is for any particular purpose. Therefore, it seems that representing the score in strings would perform equally well.

25. As per claim 23, Tracy as modified discloses the method of claim 12. Tracy as modified further discloses wherein a consortium establishes one or more context factors used in performing the assessment, wherein the context factors comprise at least one of an entity identifier and an entity organizational structure, and wherein the scope of the assessment is determined based on the context factors and comprises an identifier for the assessed entity, a portion of the entity included in the assessment, and any portion of the entity excluded from the assessment (Tracy: [0007]-[0011] and Petersen:[0005]: the hierarchy or chain).

26. As per claim 24, Tracy as modified discloses the method of claim 12. Tracy as modified further discloses wherein the trust assertion score is represented for at least one of the checklist items to have not been assessed (Tracy: [0010] and [0113]).

27. As per claim 25, Tracy as modified discloses the method of claim 12. Tracy as modified further discloses the method further comprising: analyzing formatted data associated with the trust assertion (Petersen: [0015]-[0016], [0019]).

28. As per claim 26, Tracy as modified discloses the method of claim 12. Tracy as modified further discloses wherein the checklist items that measure risk factors and the procedures are established by a consortium (Tracy: [0008]-[0009]).

29. As per claim 27-47, claims 27-47 encompass the same scope as that of claims 1-26. Therefore, claims 27-47 are rejected based on the reasons set forth in claims 1-26.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wray U.S. Pub. No. 2001005841 discloses electronic certificate.

Sagalow et al. U.S. Pub. No. 20020198744 discloses integrated site of products/services for conducting business online.

Maher U.S. Pat. No. 6125349 discloses method using digital credentials and other electronic certificates for electronic transactions.

Tracy et al. U.S. Pub. No. 20040103309 discloses enhanced system for certifying and accrediting requirements compliance utilizing threat vulnerability feed.

Sweeney et al. U.S. Pub. No. 20020032646 discloses system of automated brokerage for risk management services and products.

Starnes et al. U.S. Pub. No. 20020194014 discloses legal and regulatory compliance program and legal resource database architecture.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shin-Hon Chen
Examiner
Art Unit 2131

SC

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12/16/04